

Wisconsin State Legislature

SENATE CHAIR
ALBERTA DARLING

317 East, State Capitol
P.O. Box 7882
Madison, WI 53707-7882
Phone: (608) 266-5830



ASSEMBLY CHAIR
ROBIN VOS

309 East, State Capitol
P.O. Box 8593
Madison, WI 53708-8953
Phone: (608) 266-9171

Joint Committee on Finance *100TH ANNIVERSARY 1911 - 2011*

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Alberta Darling
Representative Robin Vos

Date: March 25, 2011

Re: Stewardship Project 14-Day Passive Review – Department of Natural Resources

Pursuant to s. 23.0917(6m), Stats., attached is a proposal from the DNR to obligate \$ 1,496,023 for a purchase [grant] in the Village of Sister Bay, Door County under the Warren Knowles Gaylord Nelson Stewardship Program received on March 25, 2011.

Please review the material and notify **Senator Darling** or **Representative Vos** no later than **Tuesday, April 12, 2011** if you have any concerns about the request or if you would like the Committee to meet formally to consider it.

Section 23.0917(6m), Stats., requires the Joint Committee on Finance to review most stewardship projects of more than \$750,000, under a 14-day passive review process. In order for a meeting to be scheduled, at least five members of the Committee, including at least one Co-Chairperson, must object to the proposal in writing. If the Co-Chairpersons do not notify DNR within 14 working days after receiving the Department's proposal that a meeting has not been scheduled, DNR may obligate funding for the proposed project. Further, the Committee must hold a meeting to review the request within 31 working days after the Co-Chairs notify DNR that a meeting has been scheduled (16 working days when

the Legislature is in session). The Department may then obligate funding for the project only with Committee approval. A proposal is considered approved unless a majority of the Joint Finance members attending the meeting vote to modify or deny the proposal. If the Committee fails to hold a meeting within the time specified, (16 or 31 working days as applicable) DNR may proceed with the project.

Also, please contact us if you need further information.

Attachments

AB:RV:jm

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

RECEIVED
MAR 25 2011

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
FAX 608-267-3579
TTY Access via relay - 711



March 24, 2011

BY: *St. Finance*

The Honorable Alberta Darling, Co-Chair
Committee on Joint Finance
Room 317 East
State Capitol
PO Box 7882
Madison WI 53707-7882

The Honorable Robin Vos, Co-Chair
Committee on Joint Finance
Room 309 East
State Capitol
PO Box 8953
Madison, WI 53707-53708

Dear Senator Darling and Representative Vos:

Pursuant to s. 23.0917(6m), Wis. Stats., the Department is notifying you as co-chairs of the Committee on Joint Finance of a proposed 0.96-acre land purchase from the Al Johnson Trust, using grant funds in the amount of \$1,496,023 from the Knowles-Nelson Stewardship Program. The proposed grant award represents 50% of the certified appraised value and associated miscellaneous costs. This parcel is located in the Village of Sister Bay, Door County.

The proposed project will prohibit two nature-based outdoor activities (hunting and trapping), as defined in s. 23.0916(2), Wis. Stats. The Department determined that it was necessary to prohibit hunting and trapping on this parcel to protect public safety. The following factors were considered when making this determination:

- The Village has an ordinance that prohibits hunting and trapping in village parks;
- Proximity of homes, businesses, and municipal structures to the parcel;
- Proximity of Bay Shore Drive and State Highway 42 to the parcel;
- Density of use on sidewalks and walkways that surround the property;
- The expectation of no hunting or trapping by those who will use the park; and
- Size of the parcel.

On March 23, 2011, the Natural Resources Board ratified the Department's decision to award a grant for this project by a vote of 6-0.

As provided in s. 23.0917(6m), if the Department does not receive notification of the scheduling of a hearing from either of the JFC co-chairpersons within 14 working days from today, the Department will make this grant award.

Thank you for your consideration.

Sincerely,

Cathy Stepp

for
Cathy Stepp

C: Julie Sauer, CAES Div Administrator
Mary Rose Teves, Director, CFA Bureau

NATURAL RESOURCES BOARD AGENDA ITEM

Item No. 3.B.3

SUBJECT: Ratification of Department decision to issue Stewardship grants that will prohibit at least one nature-based outdoor activity (NBOA) on non-department land: Tn of Neenah, Village of Sister Bay, and Door Co.

FOR: MARCH 2011 BOARD MEETING

TO BE PRESENTED BY / TITLE: Lavane Hessler, Stewardship Local Assistance Grant Manager

CF/2

SUMMARY:

Review under ch. NR 52 is required and has been undertaken for all of the following:

The Department proposes to award a grant from the Urban Rivers subprogram of the Stewardship Program totaling \$66,628.50 for the acquisition of 10.88 acres in the Town of Neenah, Winnebago County, to create Herziger Conservancy Park dedicated to passive outdoor recreation and education. The Department has made a determination that the prohibition of hunting is necessary to protect public safety because: the parcel is located within the Town limits, is adjacent to homes, is within 1700 feet of an elementary school, and will become part of an urban trail; visitors will have expectation of no hunting in a Park; and there is a Town ordinance prohibiting the discharge or carrying of a weapon.

The Department proposes to award a grant from the Urban Greenspace subprogram of the Stewardship program totaling \$1,496,023.00 to the Village of Sister Bay for the acquisition of 0.96 acres to expand Waterfront Park. The Department has made a determination that the prohibition on hunting and trapping is necessary to protect public safety because: the parcel is located within the village limits, the size of the parcel; is adjacent to homes, businesses, and municipal structures and is next to Bay Shore Drive and the pedestrian transportation network; visitors will have an expectation of no hunting and trapping in this Park; and there is a Village ordinance that prohibits the hunting and trapping in a village park.

The Department proposes to award a grant from the Acquisition and Development of Local Parks subprogram of the Stewardship Program totaling \$287,965.00 to Door County for the acquisition of 1.32 acres in the Town of Baileys Harbor to expand Cana Island Lighthouse Park. The Department has made the determination that the prohibition on hunting and trapping is necessary to protect public safety because: the parcel is adjacent to homes, the size of the parcel; is adjacent to public roads, and is within a county park boundary; visitors have an expectation of no hunting and trapping in this Park; and there is a County ordinance prohibiting hunting and trapping in the Cana Island Lighthouse County Park.

RECOMMENDATION: Ratify the Department decision to award Stewardship grants to the Town of Neenah, Winnebago County (Herziger); Village of Sister Bay (Johnson); and Door County (Drinan).

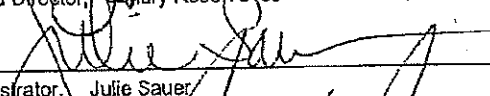
LIST OF ATTACHED MATERIALS:

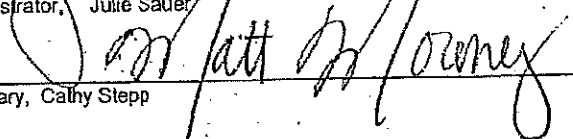
No ☒ Fiscal Estimate Required
No ☒ Environmental Assessment or Impact Statement Required
No ☐ Background Memo

Yes ☐ Attached
Yes ☐ Attached
Yes ☒ Attached

APPROVED:


Bureau Director, Mary Rose Teves


Administrator, Julie Sauer


Secretary, Cathy Stepp

cc: NRB Liaison
DNR Rules Coordinator

Feb 15, 2011
Date

2/15/11
Date

2/17/11
Date

STAFF REVIEW - DNR BOARD AGENDA ITEM

REMINDER

Have the following questions been answered under the summary section of this form?

- Why is the rule needed?
- What are the significant changes?
- What are the key issues/controversies?
- What was the last action of the Board?

LIST OF ATTACHED REFERENCE MATERIAL REQUIRED FOR RULE PROPOSALS:

Hearing authorization:

Background Memo (if needed)*

Fiscal Estimate

Environmental Assessment (if needed)

Rule

Final adoption:

Background Memo (if needed)*

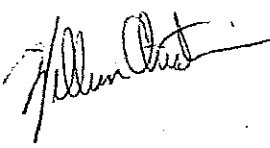
Response Summary

Fiscal Estimate

Environmental Assessment (if needed)

Rule

* If all the questions listed in the REMINDER section above can be adequately summarized on the Green Sheet (and a second sheet if needed), the Background Memo may be omitted.

Unit	Reviewer	Date	Comments
Management and Budget		2-15-11	
Legal Services -Program Attorney -DNR Rules Coordinator	MIH	2-15-11	Review under § 52.05 is legally sufficient signed off with minor changes to be made to a couple of sections
Other (if applicable)			

Project 2

Village of Sister Bay Waterfront Park Expansion

SUBJECT:

Ratification of Department proposed decision to issue a Stewardship grant to the Village of Sister Bay for acquisition of 0.96 acres on which two nature-based outdoor activities (NBOA) will be prohibited.

SUMMARY:

The Department proposes to award a grant from the Urban Greenspace subprogram of the Stewardship Program totaling \$1,496,023 to the Village of Sister Bay for the acquisition of 0.96 acres (two parcels) located on Lake Michigan in downtown Sister Bay, Door County. This purchase is the key property for completing the public open space envisioned by the Village's Downtown Waterfront Master Plan. Review under ch. NR 52 is required and has been undertaken. The Department has made the proposed determination that the prohibition of hunting and trapping on the parcel is necessary to protect public safety because the parcels are located with the Village limits and a village ordinance that prohibits hunting and trapping; are adjacent to homes, businesses, and municipal structures; the size of the parcel; is adjacent to Bay Shore Drive and the pedestrian transportation network; and will be visited by users who have an expectation of no hunting and trapping on the property.

The Master Plan directs that Sister Bay's waterfront should be in public ownership in a continuous waterfront park. Public uses will include walking/hiking, kayaking, canoeing, fishing, picnicking, swimming, wildlife observation/nature study, cross-county skiing, and biking. The property is surrounded by Lake Michigan to the west, North Bay Shore Drive (STH 42) to the east, the Village Hall property to the south, and Marina Park to the north. This acquisition will tie the downtown area directly to the waterfront, connecting two already publicly owned waterfront properties.

The property was previously under private ownership with private business enterprises -- retail shops, rental property, and marina slips. The property has never been open for hunting or trapping. Fishing and swimming were significantly limited while under private ownership. The public was allowed to walk on the property as they would be for any other downtown business.

After purchasing the property, the Village plans to remove existing structures and convert the entire space to public open space. Landscaping will be restructured to open up the area. Walkways will be extended through the property to link the entire shoreline stretching from Marina Park at the north end of the downtown area to the Sister Bay Yacht Club on the south end.

The Village has already purchased the parcels and is requesting reimbursement from the DNR.

RECOMMENDATION:

Ratify the Department proposed determination to award a grant to the Village of Sister Bay for the acquisition of the 0.96 acres for the expansion of Waterfront Park.

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CORRESPONDENCE/MEMORANDUM

DATE: February 7, 2011

TO: Natural Resources Board

FROM: Cathy Stepp, Secretary

SUBJECT: Stewardship Grant for Village of Sister Bay Waterfront Park Expansion Land Purchase

The Department requests that the Board ratify the Department's proposed determination to award a Stewardship grant in the amount of \$1,496,023 to the Village of Sister Bay for the purchase of 0.96 acres (two parcels) in the Village of Sister Bay with prohibition of two nature-based outdoor activities (NBOA).

Property to be Purchased

Project Sponsor: Village of Sister Bay

Seller: Al Johnson Trust

Financial Information: See page 29.

Timetable: The land transaction has already closed. The Village purchased this land on July 22, 2010.

I. PROJECT DETAILS**A. Property to be Purchased**

Location and Size: Stewardship grant assistance has been requested for 0.96 acres in the Village of Sister Bay, Door County -- as subset of a larger parcel purchased by the Village. Stewardship Program funds have not been requested for the neighboring marina; the marina will not be unencumbered by Stewardship Program restrictions.

This acquisition serves the following goals:

1. Supports the primary goal of the Urban Green Space subprogram of the Stewardship Program by creating open natural space within close proximity to an urban area. In addition, open space is being restored in an urban area with significant scenic and natural values.
2. Completes the public open space envisioned by the Village's Downtown Waterfront Master Plan by acquiring this key property. This acquisition is also supported by the Village's Comprehensive Smart Growth Plan and Comprehensive Outdoor Recreation Plan. The Waterfront Master Plan contains the long-range vision for Sister Bay's waterfront to be in public ownership in a continuous waterfront park. Public uses will include walking/hiking, kayaking, canoeing, sailing, shore fishing, picnicking, wildlife observation/nature study, cross-country skiing, and biking.

Project Description: Stewardship grant funding will assist with the acquisition of 0.96 acres that lie between State Highway 42 and Lake Michigan in downtown Sister Bay. This property is surrounded by public park land already owned by the Village of Sister Bay.

The benefits of purchasing the 0.96 acres include:

- Create more urban parkland
- Expand the amount of publicly owned waterfront

- Preserve and protect the environment by reducing water quality impacts to Green Bay.
- Allow the Village to expand the municipal marina by 26 slips, and make these slips available to the general public. Access to the entire marina area will be open to the public.

Once the parcel is in Village ownership, the Village plans to demolish the retail shops building and convert the entire parcel to public open space. Public walkways will be extended through the property to link the entire shoreline stretching from Marina Park along the north end of the downtown area to the Sister Bay Yacht club on the southern end; a total of 1,936 linear feet of public access to the waterfront. Though the marina structure attached to one of the parcels is not funded by Stewardship grant funds, the Village's purchase of the parcel connected to it guarantees the public access to boating, fishing, and relaxing along the piers and breakwater.

Prior Use of Property: The property was under private ownership and included several private business enterprises -- retail shops, rental property, and marina spaces for rent. The property has never been open for hunting or trapping. Fishing and swimming were significantly limited. The property was not open to the public for boating. The public was allowed to walk on the property as they would be for any other downtown businesses.

Proposed Public Use: The property will be open to the public year-round. Access to the property is available as follows: (See Appendix G for a map of the area.)

- From the downtown area/Bay Shore Drive, via sidewalks and walkways. These will be enhanced; widened and cleared, for greater access to Waterfront Park.
- From Lake Michigan -- for anglers and other sportsmen and women using the lake.

Recreational opportunities on the property will include fishing, hiking, cross-country skiing, boating, swimming, bird and wildlife watching, photography; canoeing and kayaking, picnicking, and the enjoyment of the scenic views. Appendix H shows the Nature-based Outdoor Activities (NBOA) Staff Analysis Checklist prepared by Department staff for this property.

The local DNR Recreational Safety Warden and Regional Warden Supervisor have reviewed the following factors in making their determination that the prohibition of hunting and trapping on this property is necessary to protect public safety (See Appendices I & J):

- The Village has an ordinance that prohibits hunting and trapping in Village parks.
- Proximity of homes, business, and municipal structures to the parcel
- Proximity of Bay Shore Drive to the property; Highway 42 runs through downtown Sister Bay
- Heavily used sidewalks and walkways that surround the property and run through it
- The expectation of no hunting or trapping by those who will use the park
- Size of parcel

See Appendix L for a summary of the Department's proposed determination to prohibit two nature-based outdoor activities on this project.

Public Comment on Proposed Acquisition: In accordance with ch. NR 52, Wis. Adm. Code, the Department published a notice regarding the proposed acquisition; comments were collected for 15-business days. During the comment period, the Department received three comments: two comments in support and one comment not in support. See Appendix K for a summary of the comments.

The two comments in support of the grant for the project came from the Sister Bay Advancement Association and from the Pinkert Law Firm. Both supported the project for its recreational value, quality of life improvements, and positive economic impact that the Waterfront Park will have on the downtown area.

The one comment not in support of the grant for the project stated that Stewardship money should only be used on properties that allow hunting and trapping.

Status After Acquisition: Appendix G shows the conceptual site plan that the Village developed more than six years ago when they began their downtown waterfront planning initiative. In 2007, the Village purchased the Four Seasons Resort property. The Village removed buildings and created open waterfront park area with access to the beach, parking, downtown shops, and walkways. The Village is now implementing another phase of this plan by purchasing the 0.96 acres property along Lake Michigan on the west side of Highway 42. Though some of the water features (piers, beach extensions) may not be in the final design plans, access to the water all along the Lake for swimming, fishing, boating, and sightseeing is in the final plans.

II. PROJECT FINANCES

A. Partnerships:

- Village of Sister Bay
- Wisconsin Department of Natural Resources
- Sister Bay Citizens Waterfront District Advisory Committee
- Door County Soil and Water Conservation Department (DCSWCD)
- Sister Bay Advancement Association

B. Appraisals

	Value
Appraisals commissioned by Village of Sister Bay	\$2,990,000
Appraisals commissioned by Wisconsin DNR	\$4,000,000
DNR Certified Appraised Value	\$2,990,000

NOTE: The marina value is not included in the certified appraisal value.

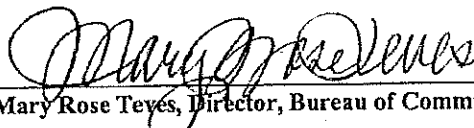
C. Grant Calculation

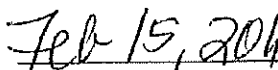
Certified appraised value for both parcels	\$2,990,000
Associated real estate costs	\$ 2,046
Total Stewardship Project Costs	\$2,992,046

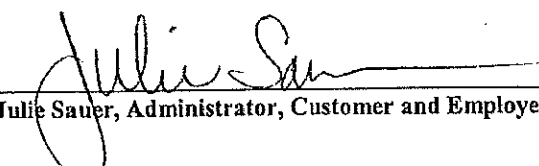
D. Funding Sources

Village of Sister Bay	\$1,496,023
Stewardship Grant Award	\$1,496,023

III. RECOMMENDED:


Mary Rose Teves, Director, Bureau of Community Financial Assistance

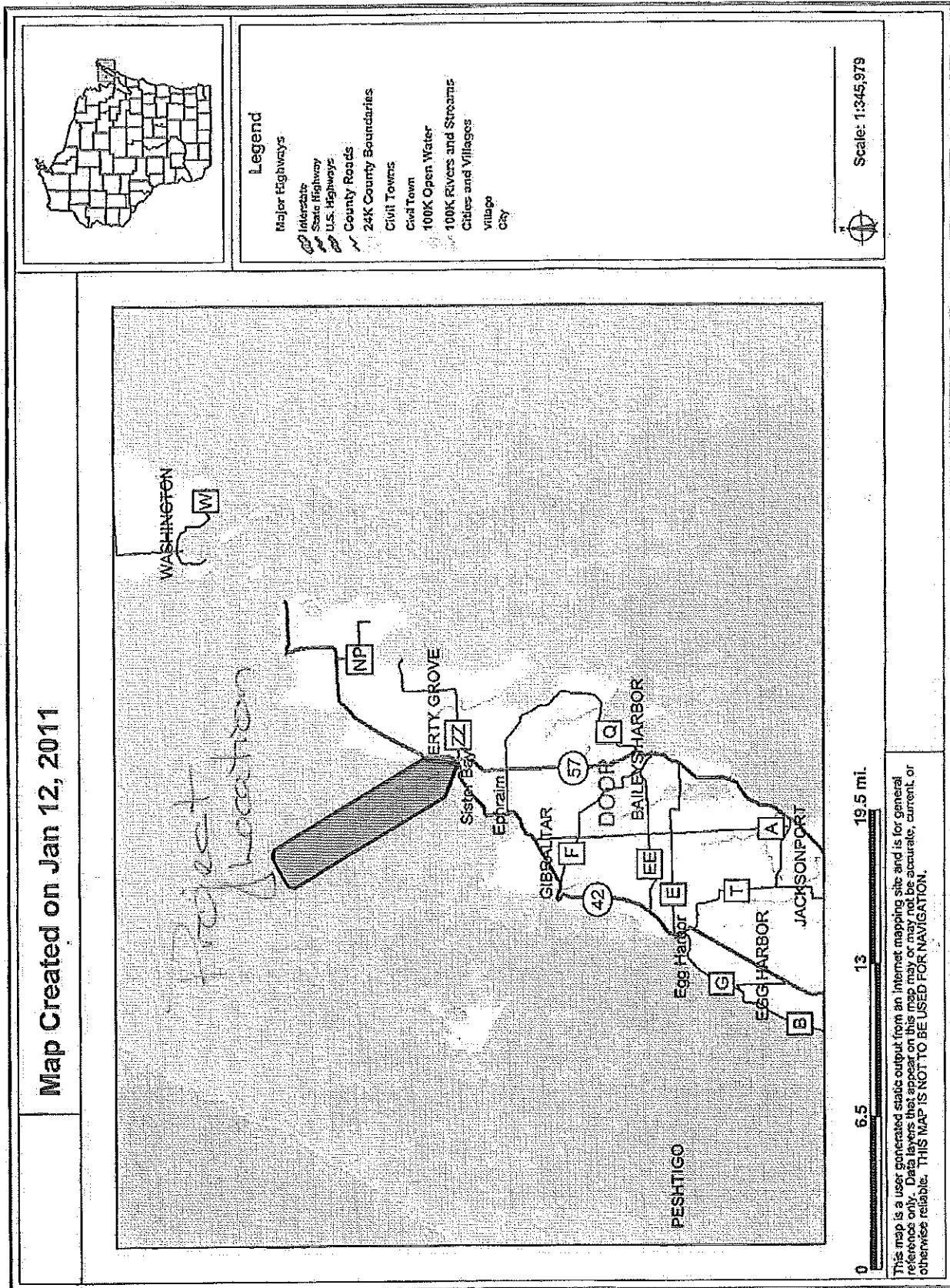

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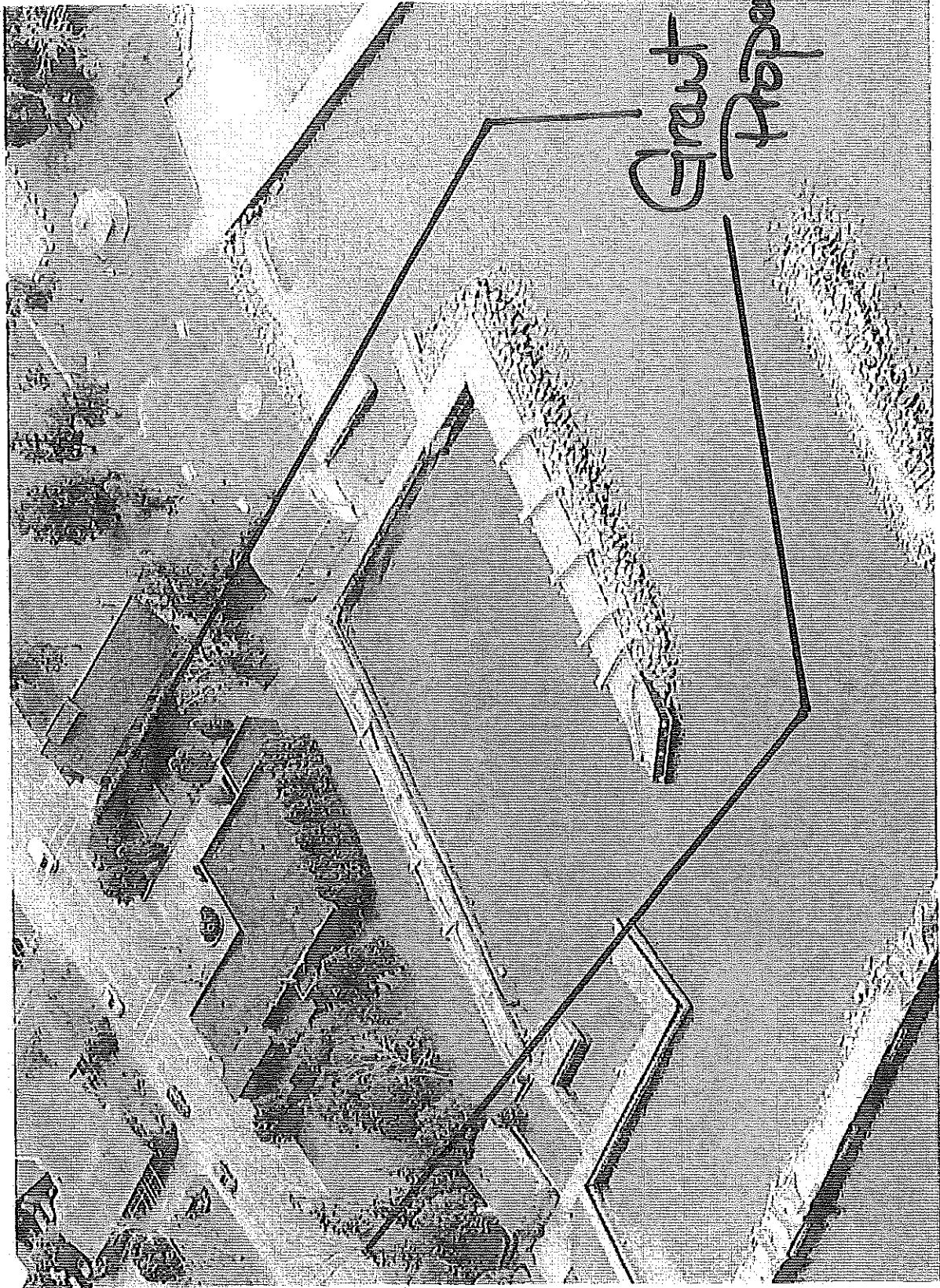

Julie Sauer, Administrator, Customer and Employee Services Division


Date

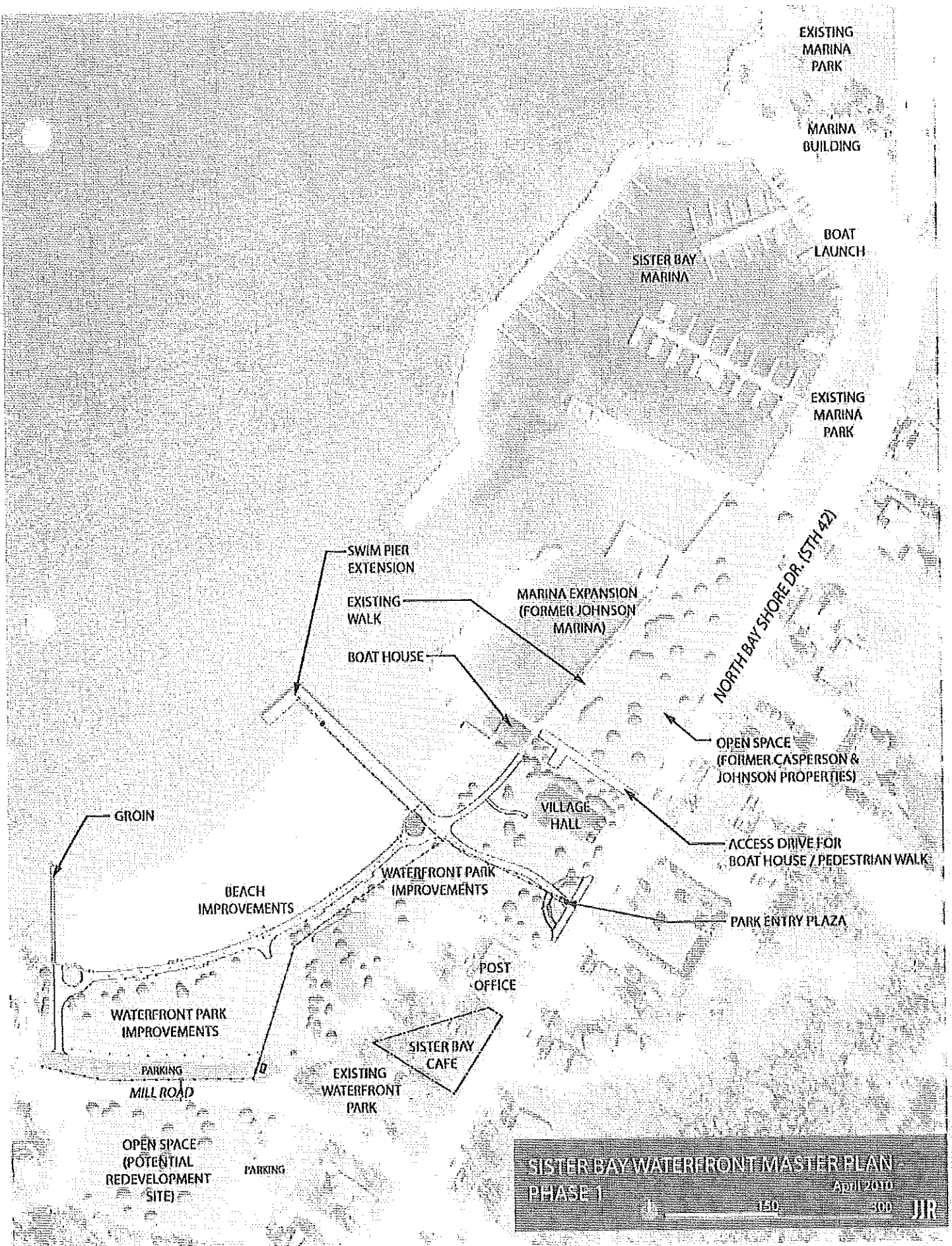
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APPENDIX G

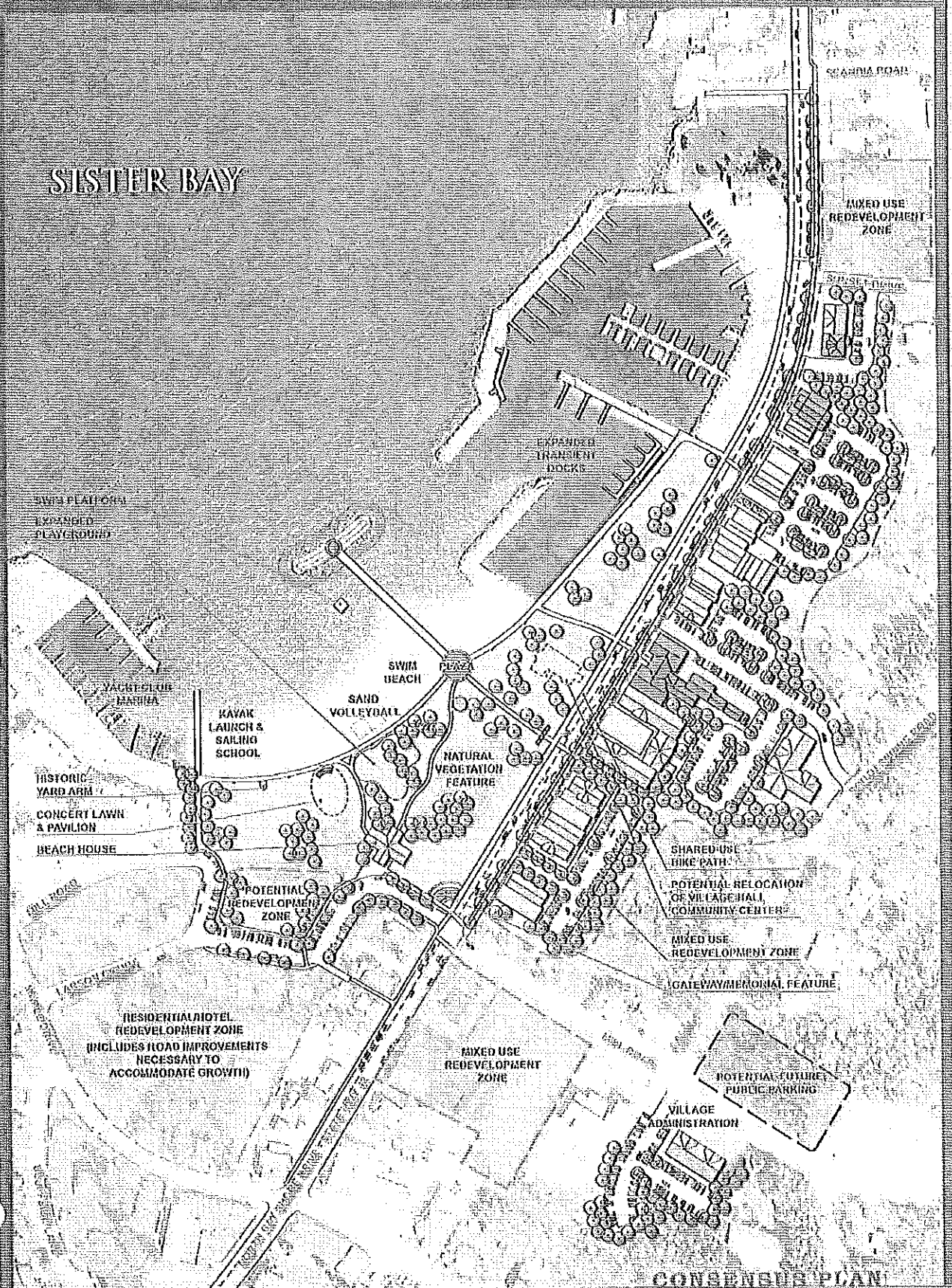




Grant
Property



SISTER BAY



SISTER BAY

DR 2

APPENDIX H

Knowles-Nelson Stewardship Grant Program

DNR Staff Analysis of Nature Based Outdoor Activities on Projects Purchased with Stewardship Grant Funds



Rev. Sep 2009

NOTE TO DNR STAFF: This completed form will be attached to the WEPA+NBOA notice that the DNR will publish when considering a request for Stewardship grant funding. Do not list location information for the subject property or the seller's name because WI courts have held that this information is confidential until land ownership has changed hands. In "Staff Narrative" sections below each NBOA, summarize sponsor's reason for prohibition based on the 3 allowable exceptions.

Applicant/ Sponsor: Village of Sister Bay		Year of Application: 2010
Project Name and Primary Purpose (after acquisition): Waterfront Park (Johnson Expansion)		
Project Description: See attached news release	Plan(s) or Reports Identifying Project Area as Priority: Village of Sister Bay Comprehensive Outdoor Recreation Plan Sister Bay Downtown Waterfront Master Plan Sister Bay 2003 Comprehensive Smart Growth Plan	

Proposed NBOA – Applicant Narrative and Checklist

HUNTING			
DNR Staff Narrative: Hunting is not available on this site for public safety reasons according to state law and Village of Sister Bay ordinance 139-040808. Please see the Department's initial assessment of the NBOA prohibition conducted by the local recreation safety warden pursuant to 52.05 (1) (a) Wis. Adm. Code.			
Categories	Allowable species (Gun)	Allowable species (bow)	List Dates/Seasons (opening and closing)
Waterfowl	No	No	
Small Game	No	No	
Turkey	No	No	
Large Game	No	No	
TRAPPING			
DNR Staff Narrative: Trapping is not available on this site for public safety reasons according to Village of Sister Bay ordinance 139-040808.			
Location	Allowable Species	List Dates/Seasons (opening and closing)	
Upland	No		
Water	No		

FISHING		
DNR Staff Narrative: Available in Lake Michigan as state law permits.		
Method	Allowable Activities	List Dates/Seasons (opening and closing)
Shore	Yes – from beach	As state law permits
Boat	Yes – but there is no boat launch on this property.	As state law permits

HIKING		
DNR Staff Narrative: The parcel is open for hiking.		
Location	Allowable Activities	List Dates (opening and closing)
On-Trail	Yes	Year 'round
Off-Trail	Yes	Year 'round

CROSS COUNTRY SKIING		
DNR Staff Narrative: The parcel is open to cross-country skiing, though there is no plan for "groomed trails" in the development plan.		
Type of Trail	Allowable Activities	List Dates (opening and closing)
Off-Trail (un-groomed)	Yes	When snow conditions are appropriate
On-Trail (un-groomed)	Yes	When snow conditions are appropriate
On-Trail (groomed)	No grooming is planned at this time.	When snow conditions are appropriate

CORRESPONDENCE/MEMORANDUM

State of Wisconsin

DATE: November 8, 2010 FILE REF: Stewardship Application

TO: Christine Halbur, NER Government Outreach Team Supervisor

FROM: Jeremy Cords, NER Recreational Safety Warden

SUBJECT: Stewardship Grant Application "Public Safety" Review – Waterfront Park Land Acquisition
– Village of Sister Bay, Door County

I have completed my review of the "Public Access and Acceptable Uses" document as part of the Knowles-Nelson Stewardship Grant application submitted by Village of Sister Bay for the proposed acquisition of 0.96 acres of property located in the Village of Sister Bay. Following are my comments and recommendations regarding Nature Based Outdoor Activities (NBOA) which would be prohibited for public safety reasons on this property.

Hunting and Trapping – The proposed acquisition would be less than one acre and is located within the boundaries of the Village of Sister Bay which has a village ordinance prohibiting hunting in village parks. The parcel is adjacent to homes, municipal buildings, business, public roads, and a pedestrian transportation network. The grant project access and acceptable uses proposed would accommodate multiple "user group" activities. However, absent the village ordinance, allowance of hunting would create a user conflict and a public safety issue due to the physical characteristics and size of the property, its proximity to a public street and large population, and its proposed improvements. It is also reasonable to assume that the public is accustomed to and would reasonably expect continued and consistent application of this village wide ordinance on parcels, located wholly within the village limits.

Given the factors of proximity of buildings, municipal structures, and business, the proximity of public roads and pedestrian transportation network, that it is located within the village's boundary, the size of the parcel, and the Village Ordinance prohibiting the hunting in village parks, it is my professional opinion is necessary to protect public safety.

Trapping - The proposed acquisition would be less than one acre and is located within the boundaries of the Village of Sister Bay which has a village ordinance prohibiting trapping in village parks. The parcel is adjacent to homes, municipal buildings, business, public roads, and a pedestrian transportation network. The grant project access and acceptable uses proposed would accommodate multiple "user group" activities. However, absent the village ordinance, allowance of trapping would create a user conflict and a public safety issue due to the physical characteristics and size of the property, its proximity to a public street and large population, and its proposed improvements. It is also reasonable to assume that the public is accustomed to and would reasonably expect continued and consistent application of this village wide ordinance on parcels, located wholly within the village limits.

Given the factors of proximity of buildings, municipal structures, and business, the proximity of public roads and pedestrian transportation network, that it is located within the village's boundary, the size of the parcel, and the Village Ordinance prohibiting trapping in village parks, it is my professional opinion that prohibiting is necessary to protect public safety.

Fishing, hiking and cross-country skiing – are not prohibited on this property.

APPENDIX J

ORDINANCE NO. 139-040808

AN ORDINANCE CREATING SECTION 38.10 OF THE CODE PROHIBITING HUNTING AND TRAPPING IN VILLAGE PARKS

WHEREAS, the Parks, Property and Streets Committee determined that a possible dangerous condition exists for residents and users of Village parks if hunting and trapping is permitted to continue,

FURTHER, that the regulation of dangerous weapons and hunting as defined in Section 34.2 should remain unchanged except for the prohibition of hunting in Village Parks.

NOW THEREFORE the Village Board of Trustees of the Village of Sister Bay, Door County, Wisconsin, does hereby ordain as follows:

Section 1. Chapter 38 Section 10 of the Code of Ordinances is created as follows:

Section 38.10 Hunting and Trapping in Village Parks

- (a) Prohibition. Hunting and trapping in all Village parks as defined in Section 32.2(b) is prohibited at all times.
- (b) Penalty. Any person violating any provision of this section shall be subject to a forfeiture of Three Hundred and no/100 (\$300.00) Dollars plus court costs for each violation thereof.
- (c) Enforcement. This section may be enforced by the issuance of a citation to any violator of it by any Sheriff or Deputy Sheriff of the County of Door, by any State of Wisconsin officer with police powers, or any duly appointed law enforcement officer of the Village.

Section 2 - Other Conflicts

All other ordinances in conflict herewith are hereby repealed.

Section 3 - Effective Date

This ordinance shall take effect and be in full force from and after its passage and publication according to law.

Section 4 - Severability

If a court of competent jurisdiction adjudges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of this chapter shall not be affected thereby.

Village of Sister Bay

By: Denise L. Bhirdo
Denise L. Bhirdo, President

Attest:

Christine M. Sully
Christine M. Sully, Clerk WCPC MMC

Date Introduced: April 8, 2008

Date Adopted: 4/8/08

Publication Date: _____

Village of Sister Bay Code of Ordinances

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Chapter 38

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Parks and Recreation

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PARKS AND RECREATION

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Sec. 38.2 Park rules and regulations.

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Sec. 38.3 Regulation of shores and beaches.

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Sec. 38.4 Boat Launch Fee Payment.

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Sec. 38.5 Fires on Village property

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Sec. 38.6—38.9 Reserved

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Sec. 38.10 Hunting and Trapping in Village Parks

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Village of Sister Bay Code of Ordinances

Sec. 38.1 Boating regulations.

Sec. 38.3 Regulation of shores and beaches.

PARKS AND RECREATION

Sec. 38.1 Boating regulations.

(a) Applicability and enforcement. The provisions of this section shall apply to the waters of Green Bay.

(1) This section shall be enforced by the officers of the Village, the County Sheriff's Department or the Department of Natural Resources.

(2) Intent. The intent of this section is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests and the capability of the water resources.

(b) State boating and safety laws adopted. State boating laws as found in Wis. Stats. §§ 30.50-30.71 are adopted by reference.

(c) Definitions. The following term, when used in this section, shall have the meaning ascribed to it in this subsection, except where the context clearly indicates a different meaning:

Slow-no-wake means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

Controlled area. No person shall operate a boat faster than slow-no-wake in the waters of Green Bay within the boundaries of the village marina and to a point 100 feet west of the entrance of the marina at any time.

Posting requirements. The Village shall place and maintain a copy of this section at all public access points within the jurisdiction of the Village.

Penalties. State boating penalties as found in Wis. Stats. § 30.80 are adopted by reference.

Sec. 38.2 Park rules and regulations.

(a) Purpose. It is the purpose of this section to enact provisions regulating activities in the Village parks in order to provide for the proper use and enjoyment of the park by its users and for their safety and protection; except, as to the Village marina, this section shall not apply to persons leasing

dock space at the marina from the Village and the families and guests of such persons.

(b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Alcohol beverages means fermented malt beverages and intoxicating liquor as defined in Wis. Stats. ch. 125, which definitions are adopted herein by reference.

Dog means any canine regardless of age or sex.

Village Park shall mean all parkland or other property owned by the Village designated for open space or recreation purposes. (Amended pursuant to Ord. No. 129-061207)

(c) Curfew. No person shall remain in the village park between the hours of 10:00 p.m. and 6:00 a.m.

(d) Dogs. No dog shall be allowed in any Village park except as noted below:

(1) The area designated by the Marina Manager at Marina Park. The designated area shall be for the dogs of boaters utilizing the marina.

(2) The area designated by the Parks Committee as the Dog Park.

(3) Service dogs when accompanied by their owners. (Amended Ordinance 129-061207)

(e) Alcohol beverages. No alcohol beverages shall be consumed by any person in the Village Park.

(f) Enforcement.

(1) This section may be enforced by the issuance of a citation to any violator of this section by any sheriff or deputy sheriff of the county, by any state officer with police powers, or by any police officer of the Village.

(2) In the alternative, any forfeitures imposed by this section may be sued for and recovered pursuant to Wis. Stats. Ch. 778 in the name of the Village.

2 Village of Sister Bay Code of Ordinances

Sec. 38.3 Regulation of shores and beaches.

Sec. 38.5 Fires on Village property

1 (g) Penalties. Penalties for violations of provi-
2 sions of this section shall be as provided in
3 section 1.12.

4 Sec. 38.3 Regulation of shores and beaches.

5 (a) It shall be unlawful for any person in the
6 Village to throw or deposit any metal cans
7 or glass bottles or any other debris made in
8 whole or in part of metal or glass in or on
9 the shores of any lake or body of water.

10 (b) It shall be unlawful to operate or park any
11 motor vehicle on any beach area or in the
12 water immediately adjacent to any beach
13 area. This provision is also applicable to
14 private beach areas when such activities
15 are carried on without the consent of the
16 owner or occupant of such private beach
17 areas.

18 (c) It shall be unlawful for any person to spend
19 the night or sleep on any public beach or
20 beach area during the hours between sun-
21 set and sunrise. This does not apply to
22 those beach areas which are authorized
23 campsites or a part of authorized
24 campsites.

25 (d) It shall be unlawful for any person to pos-
26 sess or drink any alcohol beverage while
27 on any public beach or beach area in the
28 Village during the hours between sunset
29 and sunrise. When applicable to Village-
30 owned property, the term beach or beach
31 area embraces that area of land from the
32 water's edge up to the line of permanent
33 vegetation. This provision does not apply
34 to those beach areas or parts of the beach-
35 es which the local governing authorities
36 have designated as permissible areas for
37 the possession or drinking of alcohol bev-
38 erages.

39 (e) Any person who is guilty of a violation of
40 any of the provisions of this section shall,
41 upon conviction thereof, be subject to sec-
42 tion 1.12.

43 Sec. 38.4 Boat Launch Fee Payment.

44 Note: This section was approved after the adopt-
45 ed ordinances had been submitted to the code
46 company.

47 (a) Purpose. The purpose of this section is to
48 establish launch fees at the Village of Sister
49 Bay Marina, and to prescribe penalties for
50 failure to pay the applicable launch fee.

51 (b) Authority. This section is established in
52 compliance with Wis. Stats., §61.34 to

53 regulate the use and access to Village fa-
54 cilities.

55 (c) Launching fees established. No person
56 shall use the Village of Sister Bay Marina
57 boat ramp facility without first paying a
58 daily launch fee in an amount as adopted
59 by the Village to the Dockmaster or by
60 depositing it in the collection box pro-
61 vided. As an alternative to the daily
62 launch fee, the Village of Sister Bay Mari-
63 na boat ramp facility may be used by any
64 person who has previously paid for and
65 obtained a seasonal permit upon pay-
66 ment of the approved fee.

67 (d) Applicability. This section shall apply to
68 all trailered watercraft which use the boat
69 ramp facility. A separate fee shall be
70 chargeable and due for each craft
71 launched. There shall be no commercial
72 ventures or water craft rental at the Vil-
73 lage of Sister Bay Marina without prior
74 approval of the Village.

75 (e) Owner Liable for Violation. The owner of
76 a vehicle involved in a violation of this
77 section shall be liable for the violation. It
78 shall be no defense to a violation of this
79 section that the owner was not operating
80 the vehicle at the time of the violation.

81 (f) Penalty. Any person violating any provi-
82 sion of this section shall be subject to a
83 forfeiture of Three Hundred and no/100
84 (\$300.00) Dollars plus court costs for
85 each violation thereof.

86 (g) Enforcement. This section may be en-
87 forced by the issuance of a citation to any
88 violator of it by any Sheriff or Deputy
89 Sheriff of the County of Door, by any
90 State of Wisconsin officer with police
91 powers, or any duly appointed or elected
92 law enforcement officer of the Village.

93 Sec. 38.5 Fires on Village property

94 (Amended Ordinance 156-111009)

95 (a) Authority. This section is adopted pur-
96 suant to the general grant of authority to
97 the Village Board to manage and control
98 Village property pursuant to Wis. Stats.,
99 §61.34(1).

100 (b) Purpose. The Village, pursuant to its au-
101 thority to provide for the health, safety,
102 welfare and convenience of the public,
103 deems it necessary to restrict open fires
104 upon property owned or controlled by
105 the Village.

Village of Sister Bay Code of Ordinances

Sec. 38.6--38.9 Reserved

Sec. 38.10 Hunting and Trapping in Village Parks

- 1 (c) Open fires on public property prohibited.
2 No person shall ignite or maintain an open
3 fire on any property owned or controlled
4 by the Village of Sister Bay within the Vil-
5 lage except as specifically permitted here-
6 in. Open fire may be used upon Village
7 property only as follows:
8 (1) For outdoor cooking when the fire is
9 contained in a device designed and
10 manufactured for outdoor cooking
11 purposes.
12 (2) For Fire Department demonstrations
13 or training exercises authorized by
14 the Fire Chief.
15 (3) Other fires only as specifically per-
16 mitted by the Village Parks Commit-
17 tee.
18 (4) No fire shall be left unattended on
19 Village property.
20 (d) Penalty. Any person violating any provision
21 of this section shall be subject to a forfei-
22 ture not to exceed Three Hundred and
23 no/100 (\$300.00) Dollars.

24 Sec. 38.6--38.9 Reserved

25 Sec. 38.10 Hunting and Trapping in
26 Village Parks
27 (Amended Ordinance 139-040808)

- 28 (a) Prohibition. Hunting and trapping in all Vil-
29 lage parks as defined in Section 32.2(b) is
30 prohibited at all times.
31 (b) Penalty. Any person violating any provision
32 of this section shall be subject to a forfei-
33 ture of Three Hundred and no/100
34 (\$300.00) Dollars plus court costs for each
35 violation thereof.
36 (c) Enforcement. This section may be enforced
37 by the issuance of a citation to any violator
38 of it by any Sheriff or Deputy Sheriff of the
39 County of Door, by any State of Wisconsin
40 officer with police powers, or any duly ap-
41 pointed law enforcement officer of the Vil-
42 lage.

APPENDIX K

State of Wisconsin

CORRESPONDENCE/MEMORANDUM

DATE: February 7, 2011

TO: Lavane Hessler -- CF/2

FROM: Chris Halbur

SUBJECT: NBOA News Release/Announcement Comment Period Closure and Approval

PROJECT NAME: Village of Sister Bay Waterfront Park Expansion

The Sister Bay Waterfront Park Expansion land acquisition Stewardship grant proposal was required to meet the public notice requirements in ch. NR 52.04. The public notice was posted on GovDelivery on January 14, 2011, and the fifteen day public review period ended on February 4, 2011

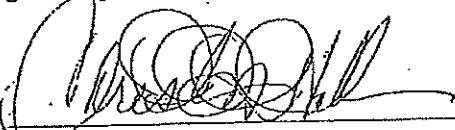
The Department received 3 comments concerning this proposal which are summarize below.

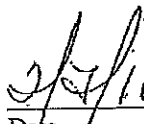
Summary of comments:

Opposed: One comment stating that stewardship money should only be used on properties that allow hunting and trapping.

In Support of: Two comments were in favor of supporting this project; one from the Sister Bay Advancement Association and one from the Pinkert Law Firm. Both supported the project for the recreational value, quality of life improvements, and positive economic impact the public Waterfront Park will have on the entire downtown area.

In conclusion, the Department has met the public notice requirements for Stewardship land acquisition grant proposals.


Signature of Contact Person


Date

NBOA Approved with Prohibition Certification:


Mary Rose Teves, CF Bureau Director


Date





Wisconsin DNR News Release

Sister Bay seeks stewardship grant for Waterfront Park addition

News Release Published: January 14, 2011 by the Northeast Region

Contact(s): Chris Halbur, DNR Government Outreach Team Supervisor, 920-662-5121

Sister Bay, Wis. – The Village of Sister Bay has applied for a grant from the Knowles-Nelson Stewardship Program's Urban Green Space fund to purchase approximately .96 acres of land along Lake Michigan to expand the Sister Bay Waterfront Park.

Sister Bay will provide the matching funds. The expanded park area will be available for hiking, cross-country skiing, snow shoeing, picnicking, fishing, swimming, and boating, including canoe and kayak. Purchase of this property will give the village ownership of the entire Sister Bay downtown shoreline, stretching from the north side of the Marina Park to the Sister Bay Yacht Club; totaling approximately 936 linear feet of public access to the waterfront.

The public can mail written comments on the proposed acquisition to Carrie Mickelson, Director, Division of Customer and Employee Services, care of Chris Halbur, 2984 Shawano Avenue, Green Bay, WI, 54313, or sent by e-mail to Christine.Halbur@Wisconsin.gov. Persons with questions about the project may call Chris Halbur at 920-662-5121. Written comments will be accepted through February 4, 2011.

In accordance with s. NR 52.04 (2) (b), Wis. Adm. Code, objections about the prohibited activities on this property must show that the proposed prohibition is inconsistent with s. 23.0916 (2) (b), Stats., and s. NR 52.05, Wis. Adm. Code.

Persons can receive email notices about the availability of future Stewardship Grant project news releases by signing-up for electronic notices of proposed grant projects at <http://govdelivery.com/>

CORRESPONDENCE/MEMORANDUM

DATE: February 7, 2011

APPENDIX L

TO: Natural Resources Board

FROM: Mary Rose Teves, Director
Bureau of Community Financial Assistance

SUBJECT: Summary of Department Proposed Determination to Prohibit Two Nature-based Outdoor Activities on the Waterfront Park Expansion Land Purchase, Village of Sister Bay

I recommend that the NRB exercise its authority under s. 23.0916(2)(b), Wis. Stats., and s. NR 52.05, Wis. Adm. Code, to ratify the Department's decision to award a Stewardship grant of \$1,496,023 to the Village of Sister Bay for the acquisition of 0.96 acres (two parcels), located within the Village of Sister Bay even though prohibition of hunting and trapping will be necessary to protect public safety.

PROJECT BACKGROUND

The Village of Sister Bay, a local unit of government eligible to receive grant funds from the Knowles-Nelson Stewardship Program, has requested a Stewardship grant totaling \$1,496,023 for the acquisition of 0.96 acres located within the Village of Sister Bay for the purposes of passive nature-based outdoor recreation focused on Lake Michigan access.

Nature-based outdoor activities (NBOAs) are defined in s. NR 52.02(7), Wis. Adm. Code, as hunting, fishing, trapping, hiking, or cross-country skiing. The Village proposes to prohibit two NBOAs (hunting and trapping), on the Waterfront Park Expansion. Review under ch. NR 52 was undertaken to determine whether it is necessary to prohibit hunting and trapping to protect public safety.

A copy of the Village's ordinance is attached to this Green Sheet as Appendix J.

PUBLIC NOTICE AND COMMENTS

I certify that public notice requirements identified in s. NR 52.04, Wis. Adm. Code, have been followed for this Stewardship project. Public notice about this proposed project was posted on GovDelivery on January 14, 2011. Three comments were received: two in support and one not in support.

Opposed: One comment was opposed stating that Stewardship money should only be used on properties that allow hunting and trapping.

In support of: Two comments were in favor of supporting this project because of the recreational value, quality of life improvements, and positive economic impact the public Waterfront Park will have on the entire downtown area.

The public notice and a summary of the comments submitted may be found in Appendix K attached to this Green Sheet.

PROPOSED DETERMINATION

The Village has an ordinance that prohibits the hunting and trapping in Village Parks. The DNR regional Recreational Safety Warden and Regional Warden Supervisor have determined that the prohibition of hunting and trapping is necessary to protect public safety. The wardens reviewed the following factors:

1. The primary purpose of the project (waterfront park);
2. Local ordinance prohibiting hunting and trapping in village parks;
3. User conflicts;
4. The size of the parcel (0.96 acres);
5. Location of the parcel entirely within municipal boundaries;
6. Proximity of the parcel to homes, businesses, and other municipal structures;
7. Proximity to Bay Shore Drive and the pedestrian transportation network; and
8. Expectation by users of no hunting and trapping of the property.

We believe the hunting and trapping prohibition is necessary on this property because it is completely located within the Village limits and is subject to a local ordinance, is less than 5 acres in size, is adjacent to homes, businesses, and other municipal structures, will become part of the pedestrian transportation network, and will be visited by users who have a reasonable expectation of no hunting or trapping on a parcel of this type.

FINAL ACTIONS

Per s. NR 52.04(2)(d), Wis. Adm. Code, a copy of this proposed determination will be provided to the individual who objected to a Stewardship grant to the Village of Sister Bay for purchase of 0.96 acres in the Village of Sister Bay for the expansion of Waterfront Park.

This proposed determination is submitted to the Natural Resources Board as required in s. NR 52.04(2)(c), Wis. Adm. Code.